

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/884,048
		Filing Date	June 20, 2001
		First Named Inventor	CUNCHON, FRANCOIS
		Art Unit	2187
		Examiner Name	NGUYEN
Total Number of Pages in This Submission		Attorney Docket Number	T2147-907310

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Issue Fee <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-1165 (T2147-907310) for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Customer No. 000181
Signature	
Printed Name	Jason H. Vick, Reg. No. 45,285
Date	January 11, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at _____, on _____.	
Signature:	
Name:	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Attorney Docket No. T2147-907310

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

First Named Inventor: CUNCHON, FRANCOIS

Art Unit: 2187

Appln. No.: 09/884,048

Examiner: NGUYEN

For: COMPUTING MACHINE WITH HARD
STOP-TOLERANT DISK FILE MANAGEMENT
SYSTEM

Confirmation No.: 2706

* * *

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Reconsideration in view of the following remarks is respectfully requested. Claims 9-20 are pending with Claims 9-20 having been rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No.: 6,393,559 to Alexander.

Independent Claim 9 states that the start up function calls the automatic repair function and the automatic repair function calls the mounting function. Independent Claim 16 includes the feature of mounting an operating system from RAM that includes an automatic repair function, the mounting of the operating system based on a call from the automatic repair function.

Column 1, lines 15-25 and lines 40-63 of Alexander are relied upon for the teaching of these features. However, it is abundantly clear from the description in Alexander that Alexander does not operate in the manner claimed. In contradistinction, Alexander specifically states on column 2 that:

...the boot initialization progress of the BIOS is recorded and, if the boot initialization code fails, the failed boot initialization code is corrected by the BIOS. The boot initialization progress provides an indication of the location in the BIOS initialization code of where the boot initialization failed.

Column 1 of Alexander states that if errors occur during the BIOS or OS initialization, the computer may infinitely reboot or hang (lock-up) at the offending code. However, there is absolutely no teaching or suggestion of this rebooting being based on the automatic repair function as claimed. Moreover, and in relation to independent Claim 16, Alexander's operation is in the BIOS, not mounting of an operating system from RAM that includes an automatic repair function as claimed.

The background of Alexander discloses the BIOS initialization code . . . includes a power-on self test (POST) procedure, to insure that all computer circuitry is functioning before running the operating code. The Office appears to be relying on this POST function of Alexander for anticipating the automatic repair function as claimed.

However, it is clear at least from the above passages that there is absolutely no possibility of the POST function of Alexander being able to automatically call the start up function as claimed.

To the contrary, Alexander specifically states in the Summary that "the boot initialization progress of the BIOS is recorded and, if the boot initialization code fails, the failed boot initialization code is corrected by the BIOS. The boot initialization progress provides an indication of the location in the BIOS initialization code of where the boot initialization failed." Alexander goes on to state that "the self-healing BIOS 30 can identify the initialization code that caused the computer to lock-up and, before that code is initialized again (which would cause the same failure), the self-healing BIOS may skip the failed boot initialization code." Applicant respectfully submits that it is abundantly clear from this passage that an automatic repair function does not automatically call the startup function as claimed.

Claims 9 and 16 are thus allowable. The claims that depend therefrom depart even further from the cited references and are also allowable for the above reasons and the additional feature(s) recited therein.

Applicant respectfully submits the application is in condition for allowance. An early Notice of Allowance is respectfully solicited.

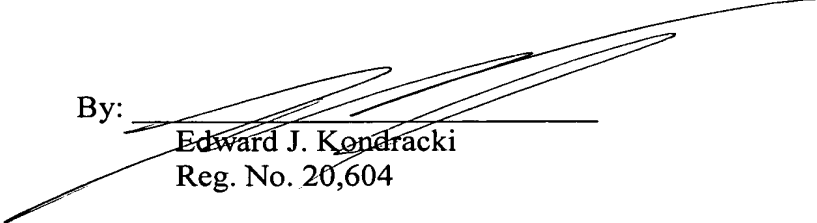
Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: January 11, 2005

By:



Edward J. Kondracki
Reg. No. 20,604

Jason H. Vick
Reg. No. 45,285

Miles & Stockbridge, P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
(703) 903-9000